IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 35090 of 2007(B)

OA.474/1970 of LAND TRIBUNAL, KASARGOD

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PETITIONER:

RAMACHANDRAN, S/O LAKSHMANAN,
ANGADIMANA, PANAYAL VILLAGE.

BY ADV. SRI.A.DINESH RAO

RESPONDENTS:

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1. RUKMINI, D/O GURUVANNA,
W/O RAMAPPA, NELLIYAKAM,
PANAYAL P.O., HOSDURG TALUK.

2. ANANTHAN, S/O GURUVANNA,
NELLIYAKAM, PANAYAL P.O., HOSDURG TALUK.

3. GIRIJA, D/O GURUVANNA,
NELLIYAKAM, PANAYAL P.O., HOSDURG TALUK.

4. KAMALA, W/O SUNDARA,
NELLIYAKAM, PANAYAL P.O., HOSDURG TALUK.

5. SUMITHRA, W/O BALAKRISHNAN,
RESIDING AT BANJIBAIL, PANAYAL VILLAGE,
PANAYAL P.O., HOSDURG TALUK.

6. SANJEEVAN, S/O GURUVANNAN,
NELLIYAKAM, PANAYAL P.O., HOSDURG TALUK.

7. SANKARAN P.N., S/O GURUVANNAN,
NELLIYAKAM, PANAYAL P.O., HOSDURG TALUK.

8. VISALAKSHY, W/O NAGANNA,
RESIDING AT BANJIBAIL, ANGADIMANA THARWAD,
PANNAYAL VILLAGE, HOSDURG TALUK.

9. SARADHA, D/O NAGANNA,
RESIDING AT -DO- -DO-

10. MANJUNATHA, S/O NAGANNA,
RESIDING AT -DO- -DO-

11. LAKSHMIKANTH, S/O NAGANNA,
RESIDING AT -DO- -DO-

12. PUSHPAVATHI, D/O NAGANNA,
RESIDING AT -DO- -DO-

13. PRAMODKUMAR, S/O NAGANNA,
RESIDING AT -DO- -DO-

14. SUJATHA KUMARI, D/O NAGANNA,
RESIDING AT -DO- -DO-

15. PUSHPA, D/O SUNDARA,
RESIDING AT NELLIADKA IN PANAYAL TALUK,
P.O.PANAYAL.

16. JAYAPRAKASH, S/O SUNDARA,
RESIDING AT -DO- -DO-

17. USHA, D/O SUNDARA,
RESIDING AT -DO- -DO-

18. ASHA, D/O SUNDARA,
RESIDING AT -DO- -DO- .

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

W.P.(C)NO.35090 OF 2007 - B

Dated this the 28th day of November, 2007.

JUDGMENT

This writ petition is preferred against the order of the Land Tribunal in I.A.No.46/2007 whereby it rejected the prayer of the writ petitioner to examine a witness by name Guruvayya Kundadukka. It is true that there is some delay but, it has to be stated that the evidence is not yet over and according to the writ petitioner, he is a necessary witness to the proceedings. It is desirable that the evidence is not shut out in the initial stage itself and if done, which will form a ground later for appeal.

2. As the trial is not over as the petitioner has moved the tribunal by filing an application, I direct the Land Tribunal to allow the petitioner to summon that witness. Therefore, the order under challenge is set aside and I.A.No.46/2007 in O.A.No.474/70 is allowed and the writ petitioner is permitted to examine the witness as prayed for.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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